

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3380 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No
2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy of the judgement? No
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No
5. Whether it is to be circulated to the Civil Judge? No

GENERAL MANAGER ABAD DAIRY

Versus

ANVAR HUSEIN F SHEIKH

Appearance:

MR DEEPAK V PATEL for Petitioner
MR KR KOSHTI for Respondent No. 1

CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 11/07/96

ORAL JUDGEMENT

1. Rule. Mr. K.R. Koshti waives service of rule on behalf of respondent No.1. Rest of the respondents are not necessary parties and hence they are ordered to be deleted. Rule is heard with the consent of the learned advocates appearing for the parties today.

2. The dispute involved in this petition is a very petty dispute. The amount of gratuity which is payable under the order of the Controlling Authority being Rs. 40,404.80ps is already paid by the petitioner and is received by the workman. The balance amount of gratuity payable works out to Rs. 5,559.99ps. In the application for review filed by the workman, the Controlling Authority has also ordered payment of interest at the rate of 10 per cent which is the statutory interest. The balance amount therefore being Rs. 11,642.50ps is already deposited before the appellate authority prior to filing of the appeal. The petitioner unit is now declared to be a sick unit under Section 15 and therefore it is submitted before the court that such a sick unit should not be compelled to pay interest.

3. In the facts and circumstances of the case after hearing the parties, it is directed that the amount of interest be reduced to Rs. 5,000/- only and after working out on the basis of whatever amount is payable to the workman, shall be permitted to be withdrawn by the workman from the Controlling Authority. Subject to the aforesaid, no further order could be passed in this petition. Petition partially succeeds. Rule is partially made absolute.
